PC-2

RECEIVED - REG 1-AES
DEC 14 1999
FWS, PORTLAND, OR

U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
PUBLIC HEARING
regarding
ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT FOR THE TRINITY RIVER
MAINSTEM FISHERY RESTORATION
SACRAMENTO GRAND BALLROOM
629 J STREET
SACRAMENTO, CALIFORNIA
TUESDAY, NOVEMBER 18, 1999
1:00 p.m.

PRESIDING: ROBERT RUESINK, Supervisor
U.S. Fish and Wildlife Service
Snake River Basin Office
Boise, Idaho

APPEARING: MICHAEL SPEAR, Supervisor
U.S. Fish and Wildlife Service
California/Nevada Operations Office
2800 Cottage Way, Room W-2606
Sacramento, California 95825

KIRK RODGERS, Regional Director,
Mid-Pacific Region
Bureau of Reclamation
Sacramento, California

CHRIS ERIKSON, County Supervisor
Trinity County
Hayfork, California

REPORTED BY: MARYANN VALENOTI, RPR, CSR #11266
JOB NO. 01-84905

HEARING OFFICER RUESINK: Please take your seats. We are have not seen a representative from the Hoopa Valley Tribe, but I do want to open the hearing now, we are on the record.

Good afternoon. On behalf of the United States Fish and Wildlife Service, I welcome you to this public hearing. The U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, Hoopa Valley Tribe and Trinity County are conducting a joint process for taking comments in the Draft Environmental Impact Statement Environmental Impact Report for the Trinity River Mainstem Fisher Restoration.

My name is Robert Ruesink, last name is R-U-E-S -- as in Sierra -- I-N-K. I'm the supervisor for the Fish and Wildlife Service, Snake River Basin Office in Boise, Idaho, and this afternoon I will be serving as a presiding official for this hearing.

Our scheduled time for the hearing this afternoon is from 1 to 3 p.m., and we will reconvene again this evening from 6 to 8 p.m.. At the table with me are representatives from the Fish and Wildlife Service, U.S. Bureau of Reclamation and Trinity County. In a moment we will hear more from these individuals. Other representatives from the U.S. Fish and Wildlife Service are at the registration and information tables in the

lobby outside this room. They have additional material there that I would encourage you to look at and they will be at that table to answer questions that you may have regarding the topic of this hearing.

At this point I'd like to introduce Mike Spear, who is the Fish and Wildlife Service representative to make the official statement of the service, Mike.

MR. SPEAR: Good afternoon. My name is Mike Spear. Fish and Wildlife Service. I'm manager of our California-Nevada Operations Office. Release of the draft Trinity River Mainstem Fishery Restoration EIS/EIR is the latest step in the process that Congress initiated many years ago to address the long-standing concerns about the affects of water diversion, instream habitat, sedimentation and watershed management issues in the Trinity River system's health, including its once abundant salmon runs.

Congress directed the Secretary of the Interior to evaluate the impacts of these issues and to take steps to restore the health of the Trinity River system. In response to this mandate, the Department of the Interior has been actively participating in the study for more than 15 years. This has been a collaborative effort by the Fish and Wildlife Service, U.S. Bureau of Reclamation, the Hoopa Valley Tribe and Trinity County.

The EIS/EIR summarizes the research that has been undertaken over the past several years and identifies for public comment several potential alternatives for restoring the Trinity River system. Impacts considered under NEPA and CEQA are not limited to impacts to the fishery resources of the Trinity River, but include all the impacts of the action affecting the human environment. The department encourages public comment on all aspects of the draft EIS/EIR.

This public hearing is part of the common process in the draft EIS/EIR and will be closed December 20, 1999. A record of decisions expected in the early spring of 2000. On behalf of the service, Bureau of Reclamation, Hoopa Valley Tribe and Trinity County, I thank you for the effort you've made to attend this meeting and also thank you in advance for your comments.

Now we will hear some introductory remarks from Supervisor Chris Erikson, the representative of Trinity count.

MR. ERIKSON: Thank you. I'm Chris Erikson, County Supervisor in Trinity County, and Trinity County is the lead agency for the CEQA evaluation and that's why we are a part of this hearing. Thank you.

MR. RODGERS: Good afternoon, my name is Kirk Rodgers. I'm the Deputy Regional Director for the Mid-Pacific Region and the Bureau of Reclamation.

The Trinity River Division is part of our Northern California area office. We have operational responsibilities on the river, along with operation or maintenance of some of the structures that are found and owned by the Federal Bureau of Reclamation there. So we are -- I'm pleased to hear comments on this milestone that we have reached on completing this EIS. We are very interested in hearing your thoughts and views on this and taking that message back to those who will be able to act upon those. Thank you.

HEARING OFFICER RUESINK: Thank you. Public comments on the draft EIS/EIR will be accepted until December 20, 1999. After review and consideration of your comments, the four co-lead agencies, along with the cooperating agencies, will prepare a final Environmental Impact Statement Environmental Impact Report. The purpose of this hearing is to receive your comments on the draft documents. Comments on all aspects of the alternatives described in those documents are very important and will be carefully considered. Because of the importance of your comments, it is necessary that we follow certain procedures here this

1 afternoon. If you want to present comments at this
2 hearing, please register at the table outside this room.
3 When you register indicate any organization that you are
4 representing. When you are called to present your
5 comments, please come forward to the microphone in
6 front. Begin your presentation by stating your full
7 name, spell it for the record and indicate if you are
8 representing an organization.
9 This is an informal meeting and, therefore, you
10 will not be questioned or cross-examined in connection
11 with your comments. Your comments or questions are
12 being reported by the Reporter to preserve them for the
13 record. Please keep in mind that the Reporter will not
14 record any statements from the audience or which are
15 made to the audience. Comments must be made into the
16 microphone and to the agency representatives at the
17 front table. If you have a copy of your statement,
18 please leave it with the Reporter or with the
19 registration staff. If you are reading your testimony,
20 we ask that you please read slowly enough for the
21 Reporter to be able to record your comments verbatim.
22 Instead of presenting oral comments here this
23 afternoon, we are or in addition to the oral comments,
24 you may submit comments in writing. Written comments
25 may be submitted today to the staff at the registration

1 table or they may be mailed to Mr. Joe Polos, P-O-L-O-S,
2 U.S. Fish and Wildlife Service, 1655 Heindon,
3 H-E-I-N-D-O-N, Road in Arcata, California, 95521. This
4 address is also at the registration and information
5 tables outside this room.
6 Written comments will be accepted through
7 December 20, 1999. Written comments are given the same
8 consideration as oral comments that are presented here
9 this afternoon. At this time we are ready for the first
10 speaker, Mr. Felix Smith. Would you come to the
11 microphone, please. State your name, spell it for the
12 record, identify who you represent and begin your
13 comments.
14 MR. SMITH: My name Felix E. Smith. I
15 represent myself as a taxpayer. Do you want my address?
16 MS. REPORTER: No.
17 MR. SMITH: Probably one of the only few
18 people in the room, if there are others. I don't know,
19 that worked on the Trinity River in 1956 to '58. I saw
20 the massive runs of Chinook salmon that used to go up
21 the Trinity.
22 What happened in the Trinity, in my opinion,
23 violates what has now been a decision on Fryant by the
24 recent court in the lawsuit between NRDC and the Bureau.
25 I also am aware in the PEIS just issued that I

1 got at my house on the CVPIA there are confusing
2 figures. It says the Trinity River, for the Trinity
3 River flow pattern is 390,000 acre feet in critical dry
4 years to 750,000 acre feet in wet years. This is
5 Attachment G.
6 In the paragraph down it says, "The recommended
7 flow range from 369,000 acre feet to 817,000 acre feet
8 in wet years." Automatically we have a confusion here
9 of about 50,000 acre feet. Should the water be released
10 to the Trinity, the answer is yes. It must be
11 consistent with state law.
12 State law in my opinion has been violated in the
13 last 30 years on the Trinity, and that's again 5937. If
14 you are looking for a place to get that water, look to
15 the west side of the San Joaquin Valley. Both the
16 Bureau and the Fish and Wildlife Service has massaged
17 the language often enough that we are continued -- "we"
18 being the feds -- to deliver irrigation water to
19 irrigate selenium soils on the west side. The drainage
20 from those selenium soils is raising havoc with fish,
21 wildlife and other species in the San Joaquin system.
22 In my opinion it's time now with the decision on
23 Fryant, that both San Joaquin/Fryant and the Trinity
24 River Fishery and wildlife resources be restored, both
25 flows and water quality are needed. I recommend that

1 the 369,000 acre feet range to 817,000 acre feet be
2 instituted at the earliest possible time. Thank you.
3 HEARING OFFICER RUESINK: Thank you, Mr.
4 Smith, for your comments. At this time we do not have
5 anyone else that's registered to speak. If some of you
6 in the audience wish to make a statement at this time,
7 please go to the registration table and fill out one of
8 these cards. I'll give you just a minute if anyone
9 wants to do that at this time.
10 If there's no one that wishes to speak at this
11 time, we will take a break.
12 We are off the record.
13 (Whereupon, a recess was taken.)
14 HEARING OFFICER RUESINK: We are back on
15 the record. No one else has signed up to speak. We are
16 at the end of the scheduled time for the afternoon
17 hearing.
18 I would remind you that we will reconvene this
19 evening from 6 to 8 p.m.. This meeting is closed. We
20 are off the record.
21 (Hearing adjourned at 3:01 p.m..)
22
23
24
25

CERTIFICATE OF REPORTER

I, MARYANN H. VALENOTI, a Registered Professional Reporter and Certified Shorthand Reporter, hereby certify that the testimony in the foregoing proceedings was taken by me, a disinterested person, at the time and place therein stated, and that the testimony was thereafter reduced to typewriting, by computer, under my direction and supervision.

I further certify that I am not of counsel or attorney for either or any of the parties to the said proceedings, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: DECEMBER 8, 1999

_____

MARYANN VALENOTI, RPR, CSR
CERTIFIED SHORTHAND REPORTER
No. 11266

A
able 5:13 6:21
about 3:14 8:9
abundant 3:17
accepted 5:15 7:6
acre 8:3,4,7,7,9 9:1,1
act 5:13
action 4:7
actively 3:22
addition 6:23
additional 3:1
address 3:13 7:4,15
adjourned 9:21
advance 4:16
affecting 4:7
affects 3:14
After 5:16
afternoon 2:5 2:16,18 3:8 5:1 6:1,23 7:9 9:16
again 2:19 8:13
agencies 5:17,18
agency 4:23 6:16
ago 3:13
along 5:6,17
alternatives 4:3 5:22
answer 3:3 8:10
anyone 9:5,8
APPEARING 1:12
Arcata 7:3
area 5:5
aspects 4:9 5:22
Attachment 8:5
attend 4:15
attorney 10:11
audience 6:14 6:15 9:6
Automatically 8:8
aware 7:25

B
back 5:12 9:14
BALLROOM 1:6
Basin 1:10 2:15
begin 6:6 7:12
behalf 2:5 4:13
being 6:12 8:18
between 7:24
Boise 1:11 2:16
both 8:15,23,24
break 9:11
Bureau 1:16 2:8 2:22 3:24 4:14 5:3,8 7:24 8:16

C
california 1:7 1:14,16,18 5:5 7:3
California-Ne... 3:10
California/Ne... 1:13
called 6:4
cards 9:8
carefully 5:23
cause 10:13
CEQA 4:5,23
certain 5:25
CERTIFICA... 10:1
certified 10:4,20
certify 10:5,10
Chinook 7:20
chris 1:17 4:19 4:21
closed 4:11 9:19
collaborative 3:23
come 6:5 7:10
comment 4:3,8
comments 2:10 4:17 5:9,15,17 5:21,21,24 6:1 6:5,11,11,15 6:21,22,23,24 6:24 7:6,7,8 7:13 9:4
common 4:10
completing 5:10
computer 10:9
concerns 3:14
conducting 2:9
confusing 8:1
confusion 8:8
Congress 3:12 3:18
connection 6:10
consideration 5:16 7:8
considered 4:4 5:23
consistent 8:11
continued 8:17
cooperating 5:18
copy 6:17
Cottage 1:13
counsel 10:10
count 4:20
County 1:17,18 2:9,22 3:25 4:15,22,22,23
court 7:24
co-lead 5:17
critical 8:3
cross-examined 6:10
CSR 1:20 10:19
CVPIA 8:1

D
DATED 10:16
december 4:12 5:16 7:7 10:16
decision 7:23 8:22
decisions 4:12
deliver 8:18
department 1:1 3:21 4:8
Deputy 5:2
described 5:22
directed 3:18
direction 10:9
Director 1:15 5:2
disinterested 10:6
diversion 3:14
Division 5:4
documents 5:21 5:22
down 8:6
draft 2:10 3:11 4:9,11 5:15,21
drainage 8:19
dry 8:3

E
E 7:14
earliest 9:2
early 4:13
effort 3:24 4:15
EIS 5:10
EIS/EIR 3:11 4:1,9,11 5:15
either 10:11
encourage 3:2
encourages 4:8
end 9:16
enough 6:20 8:17
environment 4:8
environmental 1:4,4 2:10,11 5:19,19
erikson 1:17 4:19,21,22
evaluate 3:19
evaluation 4:24
evening 2:20 9:19
event 10:12
expected 4:12

F
Federal 5:8
feds 8:18
feet 8:3,4,7,7,9 9:1,1
Felix 7:10,14
few 7:17
figures 8:2
fill 9:7
final 5:18
first 7:9
fish 1:1,10,12 2:6,7,15,21,24 3:6,9,24 7:2 8:16,20
Fisher 2:12
fishery 1:5 3:11 4:6 8:24
flow 8:3,7
flows 8:25
follow 5:25
foregoing 10:5
forward 6:5
found 5:7
four 5:17
from 2:2,19,20 2:21,23,24 4:18 6:14 8:7 8:20 9:19
front 6:6,17
Fryant 7:23 8:23
full 6:6
further 10:10

G
G 8:5
give 9:8
given 7:7
go 7:20 9:7
Good 2:5 3:8 5:1
GRAND 1:6

H
H 10:3
habitat 3:15
happened 7:22
havoc 8:20
Hayfork 1:18
health 3:16,20
hear 2:23 4:18 5:9
hearing 1:2 2:1 2:3,7,17,18 3:4 4:10,24 5:11,14,20 6:2 9:3,14,17,21
Heindon 7:2
Hoopa 2:3,8 3:25 4:14
house 8:1
human 4:7
H-E-I-N-D-O-N 7:3

I
Idaho 1:11 2:16
identifies 4:2
identify 7:12
impact 1:4,4 2:10,11 5:19 5:19
impacts 3:19 4:4,5,7
importance 5:24
important 5:23
include 4:6
including 3:16
indicate 6:3,7
individuals 2:23
informal 6:9
information 2:25 7:4
initiated 3:13
Instead 6:22
instituted 9:2
instream 3:14
interested 5:11 10:12
interior 1:1 3:18 3:22
introduce 3:5
introductory 4:18
irrigate 8:19
irrigation 8:18
issued 7:25
issues 3:15,19
I-N-K 2:14

J
J 1:6
Joaquin 8:15,21
Joaquin/Fryant 8:23
JOB 1:20
Joe 7:1
joint 2:9
just 7:25 9:8

K
keep 6:13
kirk 1:15 5:2
know 7:18

L
language 8:17
last 2:13 8:13
latest 3:12
law 8:11,12
lawsuit 7:24
lead 4:23
leave 6:18
like 3:5
limited 4:5
lobby 3:1
long-standing 3:13
look 3:2 8:14
looking 8:14

M
made 4:15 6:15 6:15
mailed 7:1
mainstem 1:5 2:12 3:11
maintenance 5:7
make 3:7 9:6
management 3:15
manager 3:9
mandate 3:21
many 3:13
MARYANN 1:20 10:3,19
massaged 8:16
massive 7:20
material 3:1
may 3:3 6:24,25 7:1
meeting 4:16 6:9 9:19
message 5:12
MICHAEL 1:12
microphone 6:5 6:16 7:11
Mid-Pacific 1:15 5:3
Mike 3:5,7,9
milestone 5:9
mind 6:13
minute 9:8
moment 2:22
more 2:23 3:23
must 6:15 8:10
myself 7:15

N
name 2:13,13 3:8 5:1 6:7 7:11,14
necessary 5:25
needed 8:25
NEPA 4:5
Northern 5:5
NOVEMBER 1:8
NRDC 7:24

O
off 9:12,20
office 1:10,13 2:16 3:10 5:5
OFFICER 2:1 5:14 9:3,14
official 2:17 3:7
often 8:17
once 3:16
one 7:17 9:7,10 9:15
only 7:17
open 2:3
operation 5:6
operational 5:5
Operations 1:13 3:10
opinion 7:22 8:12,22
oral 6:22,23 7:8
organization 6:3,8
other 2:23 8:21
others 7:18
out 9:7
outside 3:1 6:2 7:5
over 4:2
owned 5:8

P

paragraph 8:6
part 4:10,24 5:4
participating 3:22
parties 10:11,14
past 4:2
pattern 8:3
PEIS 7:25
people 7:18
person 10:6
place 8:14 10:7
please 2:1 6:2,5 6:13,18,20 7:11 9:7
pleased 5:9
point 3:5
Polos 7:1
possible 9:2
potential 4:3
prepare 5:18
present 6:1,4
presentation 6:6
presented 7:8
presenting 6:22
preserve 6:12
presiding 1:9 2:17
Probably 7:17
procedures 5:25
proceedings 10:6,12
process 2:9 3:12 4:10
Professional 10:4
public 1:2 2:6 4:3,8,10 5:15
purpose 5:20
P-O-L-O-S 7:1
p.m 1:8 2:19,20 9:19,21

Q

quality 8:25
questioned 6:10
questions 3:3 6:11

R

raising 8:20
range 8:7 9:1
reached 5:10
read 6:20
reading 6:19
ready 7:9
receive 5:20
recent 7:24
recess 9:13
Reclamation 1:16 2:8,22 3:25 4:14 5:3 5:8
recommend 8:25
recommended 8:6
reconvene 2:19 9:18
record 2:4 4:12 6:7,13,14,21 7:12 9:12,15 9:20
reduced 10:8
regarding 1:3 3:4
Region 1:15 5:3
Regional 1:15 5:2
register 6:2,3
registered 9:5 10:3
registration 2:25 6:19,25 7:4 9:7
related 10:13
Release 3:10
released 8:9
remarks 4:18
remind 9:18
report 1:4 2:11 5:20
reported 1:20 6:12
reporter 6:12 6:13,18,21 7:16 10:1,4,4 10:20
represent 7:12 7:15
representative 2:2 3:6 4:19
representatives 2:21,24 6:16
representing 6:4,8
research 4:1
resources 4:6 8:24
response 3:21
responsibilities 5:6
restoration 1:5 2:12 3:11
restore 3:20
restored 8:24
restoring 4:4
review 5:16
river 1:4,10 2:11,15 3:11 3:16,20 4:4,6 5:4,6 7:19 8:2 8:3,24
Road 7:3
robert 1:9 2:13
rodgers 1:15 5:1,2
room 1:13 3:1 6:2 7:5,18
RPR 1:20 10:19
ruesink 1:9 2:1 2:13 5:14 9:3 9:14
runs 3:17 7:20
R-U-E-S 2:14

S

sacramento 1:6 1:7,14,16
salmon 3:17 7:20
same 7:7
San 8:15,21,23
saw 7:19
says 8:2,6
scheduled 2:18 9:16
seats 2:2
Secretary 3:18
sedimentation 3:15
seen 2:2
selenium 8:19 8:20
service 1:1,10 1:12 2:6,7,15 2:21,24 3:6,7 3:9,24 4:13 7:2 8:16
serving 2:17
several 4:2,3
shorthand 10:4 10:20
side 8:15,19
Sierra 2:14
signed 9:15
slowly 6:20
smith 7:10,14 7:14,17 9:4
Snake 1:10 2:15
soils 8:19,20
some 4:18 5:7 9:5
speak 9:5,10,15
speaker 7:10
spear 1:12 3:5,8 3:9
species 8:21
spell 6:7 7:11
spring 4:13
staff 6:19,25
state 7:11 8:11 8:12
stated 10:7
statement 1:4 2:10 3:7 5:19 6:17 9:6
statements 6:14
States 2:5
stating 6:6
step 3:12
steps 3:20
STREET 1:6
structures 5:7
study 3:22
submit 6:24
submitted 6:25
summarizes 4:1
supervision 10:9
supervisor 1:9 1:12,17 2:14 4:19,22
system 3:20 4:4 8:21
system's 3:16

T

table 2:20 3:3 6:2,17 7:1 9:7
tables 2:25 7:5
take 2:1 3:19 9:11
taken 9:13 10:6
taking 2:9 5:12
taxpayer 7:15
testimony 6:19 10:5,8
thank 4:15,16 4:21,25 5:13 5:14 9:2,3
thereto 10:14
thoughts 5:11
through 7:6
time 2:18 7:9 8:22 9:2,4,6,9 9:11,16 10:7
today 6:25
topic 3:4
Tribe 2:3,8 3:25 4:14
trinity 1:4,18 2:8,11,22 3:11 3:16,20,25 4:4 4:6,14,19,22 4:23 5:4 7:19 7:21,22 8:2,2 8:10,13,23
TUESDAY 1:8
typewriting 10:8

U

under 4:5 10:9
undertaken 4:2
United 2:5
until 5:16
used 7:20
U.S 1:1,1,10,12 2:7,7,21,24 3:24 7:2

V

VALENOTI 1:20 10:3,19
Valley 2:3,8 3:25 4:14 8:15
verbatim 6:21
very 5:11,23
views 5:11
violated 8:12
violates 7:23

W

want 2:3 6:1 7:15
wants 9:9
water 3:14 8:9 8:14,18,25
watershed 3:15
way 1:13 10:12
welcome 2:6
west 8:15,19
wet 8:4,8
wildlife 1:1,10 1:12 2:6,7,15 2:21,24 3:6,9 3:24 7:2 8:16 8:21,24
wish 9:6
wishes 9:10
worked 7:19
writing 6:24
Written 6:24 7:6,7
W-2606 1:13

Y

years 3:13,23 4:2 8:4,4,8,13

#

#11266 1:20

0

01-84905 1:20

1

1 2:19
1:00 1:8
11266 10:21
15 3:23
1655 7:2
18 1:8
1956 7:19
1999 1:8 4:12 5:16 7:7 10:16

2

20 4:12 5:16 7:7
2000 4:13
2800 1:13

3

3 2:19
3:01 9:21
30 8:13
369,000 8:7 9:1
390,000 8:3

5

50,000 8:9
58 7:19
5937 8:13

6

6 2:20 9:19
629 1:6

7

750,000 8:4

8

8 2:20 9:19 10:16
817,000 8:7 9:1

9

95521 7:3
95825 1:14